



402-038-19

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: David G. McCarthy : Examiner: B. Hammond
Title: Retractable Receptacle : Group Art Unit: 2833
For Furniture :
Serial No. 08/951,276 :
Filed: October 16, 1997 :


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Appeal Brief - Patents

RESPONSE TO NOTIFICATION OF NON-COMPLAINT
APPEAL BRIEF

In response to the NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF dated November 7, 2008,
enclosed please find a replacement section (in triplicate) for the Section entitled "SUMMARY OF
CLAIMED SUBJECT MATTER" in the APPEAL BRIEF filed on January 9, 2008. (MANUAL OF PATENT
EXAMINING PROCEDURE, 8TH Edition, August 2001, latest revision July 2008, Section 1205.03).

I hereby certify that this correspondence is
being deposited with the United States Postal Service
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Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450, on the date indicated below.


MARK P. STONE
Reg. No. 27,954

11/19/08
(Date of Deposit)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', with a stylized, flowing script.

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VI. SUMMARY OF CLAIMED SUBJECT MATTER -



The subject matter of independent claim 6 presented for review in the instant Appeal is directed to article of furniture designated by reference numeral 2, having a receptacle unit designated by reference numeral 22, for electronic or communications equipment mounted therein. (Applicant's Specification, page 8, second paragraph, line 1-3; page 8, last paragraph, line 6, line 1 – page 9, first paragraph, line 6; Figure 1). The receptacle unit has a top surface designated by reference numeral 24 and at least one sidewall extending downwardly from the top surface designated by reference numeral 26. (Applicant's Specification, page 8, last paragraph, - page 9, first paragraph, line 1; Figures 1-2) Sidewall 26 of the receptacle unit 22 has at least one receptacle designated by reference numeral 32 defined therein (Applicant's Specification, page 8, last paragraph, line 3 – page 9, first paragraph, lines 1-6; Figures 1-2). Receptacle unit 22 is displaceable between a retracted position in which the top surface 24 is planar with the top surface of the article of furniture 2 (Applicant's Specification, page 9, second paragraph, lines 3-7; Figure 1 of the drawing), and an extended position in which at least one receptacle unit 32 on one sidewall 26 of the receptacle unit 22 is elevated above the top surface of the article of furniture 2 (Applicant's Specification, page 8, last paragraph, line 1-3; Figures 1-2 of the drawing). The receptacle unit is releasably locked in its retracted position as designated by reference numeral 25 (Applicant's Specification, page 11, lines 5-10; Figure 1 of the drawing), and is resiliently biased into its extended position as designated by reference numeral 23 when the lock is released (Applicant's Specification, page 11, lines 17 – 21; Figures 1-2).

The subject matter of independent claim 19 presented for review in the instant Appeal is directed to article of furniture designated by reference numeral 2, having a receptacle unit designated by reference numeral 22, for electronic or communications equipment mounted therein. (Applicant's Specification, page 8, second paragraph, line 1-3; page 8, last paragraph, line 6, line 1 – page 9, first paragraph, line 6; Figure 1). The receptacle unit has a top surface designated by reference numeral 24 and at least one sidewall extending downwardly from the top surface designated by reference numeral 26. (Applicant's Specification, page 8, last paragraph, - page 9, first paragraph, line 1; Figures 1-2) Sidewall 26 of the receptacle unit 22 has at least one receptacle designated by reference numeral 32 defined therein (Applicant's Specification, page 8, last paragraph, line 3 – page 9, first paragraph, lines 1-6; Figures 1-2). Receptacle unit 22 is displaceable between a retracted position in which the top surface 24 is planar with the top surface of the article of furniture 2 (Applicant's Specification, page 9, second paragraph, lines 3-7; Figure 1 of the drawing), and an extended position in which at least one receptacle unit 32 on one sidewall 26 of the receptacle unit 22 is elevated above the top surface of the article of furniture 2 (Applicant's Specification, page 8, last paragraph, line 1-3; Figures 1-2 of the drawing). The receptacle unit is releasably locked in its retracted position as designated by reference numeral 25 (Applicant's Specification, page 11, lines 5-10; Figure 1 of the drawing), and is resiliently biased into its extended position as designated by reference numeral 23 when the lock is released (Applicant's Specification, page 11, lines 17 – 21; Figures 1-2). A housing designated by reference numeral 11, has an open top aligned with the opening defined in the top surface of the article of furniture so as to receive the receptacle unit 22 in

the housing 11 when the receptacle unit is in its retracted position. (Applicant's Specification, page 10, last paragraph through page 11, line 5; Figure 1 of the drawing).

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